



DEPARTMENT OF THE NAVY
COMMANDER
NAVAL SURFACE FORCE
U.S. PACIFIC FLEET
2841 RENDOVA ROAD
SAN DIEGO, CALIFORNIA 92155-5490

5720
N00J/
January 31, 2017

Christopher Nuneviller
Crisp & Associates, LLC
1717 Pennsylvania Ave, NW
Suite 1025
Washington, D.C. 20006

Dear Mr. Nuneviller,

This letter is in reference to your Freedom of Information Act (FOIA) 5 U.S.C. § 552 request submitted to this office via FOIA Online and assigned tracking number 2017-13. You are seeking copy of "the results of a command climate survey conducted aboard the USS MCCAIN (DDG 56) (UIC: 21686) in 2005. The survey was requested by then-LTJG Garret Fisher. Commanding Officer was CDR William T. Wagner (SSN: XXXX)."

A search has been conducted of the USS MCCAIN administrative office, legal office and the Command Managed Equal Opportunity (CMEO) space. It has been determined that such records do not exist. Per OPNAVINST 5354.1F, enclosure (3), commands are only obligated to keep these types of records for 36 months. With any adverse determination, you have the right to seek dispute resolution from the Department of the Navy FOIA Public Liaison by contacting Mr. Christopher Julka at christopher.a.julka@navy.mil or (703) 697-0031.

This office considers this FOIA request completed and closed. If you have any questions, you may contact Mr. Juan Lopez, Command FOIA Coordinator, at (619) 437-2206 or juan.r.lopez@navy.mil. Please be sure to refer to the case number shown above in all correspondence about this case.

Sincerely,

D. J. JONES
Captain, U.S. Navy
Force Judge Advocate
By Direction of the Commander

Appeal Rights

A FOIA requester may appeal an adverse determination of a FOIA request to Office of the Judge Advocate General (Code 14). The appeal should be addressed to:

Office of the Judge Advocate General (CODE 14)
1322 Patterson Ave, SE, Suite 3000
Washington Navy Yard, DC 20374-5066

The appeal should be clearly identified as such on the envelope and in the letter by labeling it "Freedom of Information Act Appeal" or "Appeal of Records" or the equivalent. An appeal must be filed within 90 days of the receipt of an initial determination (in cases of denials of entire request), or of receipt of any records being made available pursuant to the initial determination (in case of partial denials).